

**INTERIM REPORT OF THE
2005-2006 COUNTY GRAND JURY
SAN BERNARDINO COUNTY
November 10, 2005**

IS YOUR LIFE AT RISK?

On October 13, 2005, an unfortunate incident occurred in Apple Valley involving a young man on a bicycle, who was struck by a passing automobile. The Adelanto-based Mercy air ambulance was unavailable, and the Sheriff's air rescue helicopter was on another incident in Victorville. The next Mercy air ambulance on the list was also unavailable. The third Mercy airship took the call, only to report back three minutes later that it was also unavailable. At that point, personnel at the scene decided to do a ground transport to Loma Linda University Medical Center.

On October 6, 2005, there was another unfortunate incident involving a young motorcyclist and two vehicles, requiring three air transport helicopters. The Sheriff's air rescue helicopter responded to the initial call. When the call came for the second air ambulance unit, Mercy's first three air ambulances were unavailable, and it became necessary to go to the Mercy unit assigned in Banning. California City Air Ambulance was not called.

In early 2004, unavailability was again the issue when there was a traffic accident on Highway 58 at the BNSF Railroad crossing west of Kramer Junction. The first two Mercy units were not available. While the third Mercy unit responded some 37 minutes later, California City Air Ambulance had an ETA of less than ten minutes. In spite of the restrictions imposed by giving priority to Mercy Air, California City Air Ambulance continued to provide "last resort" services as a mutual aid provider to San Bernardino County on ten occasions during 2004.

gold-en hour *adj.* That time period when most trauma patients, suffering from shock, can most likely be saved.

Trauma begins the moment a person is involved in a serious accident. If trauma is severe enough, circulation becomes impaired or non-existent, and chemical changes in the body bring on shock. If bleeding can be stopped and blood pressure restored within that **golden hour**, the medical community contends that a patients' chances of surviving are greatly increased.

Some trauma patients in San Bernardino County may not have been afforded that increased chance for survival.

In April, there was an accident involving three vehicles near Kramer Junction, resulting in seven patients, six of which had to be extricated, four needed immediate attention by a trauma unit, and one expired at the scene. Two Mercy units were dispatched rather than utilizing the services of California City Air Ambulance, who could have arrived at the scene approximately 30 minutes prior to arrival of Mercy's second airship. ICEMA's (Inland Counties Emergency Medical Agency) staff report to the Emergency Medical Care Committee (EMCC) included this information, also noting there could potentially have been "four fatalities".

Under authority of the California Code of Regulations, Title 22, Division 9, Chapter 8, Section 100276, ICEMA is the governing body designated to recommend and approve EMS (emergency medical service) aircraft policies, as well as recommend the integration of EMS aircraft into San Bernardino County's transport system. The San Bernardino County Board of Supervisors is also the ICEMA Board of Directors.

In early 2004, ICEMA recognized inherent delays with San Bernardino County's ALS (Advanced Life Support) system due, in part, to there being only one permitted provider: Mercy Air. Having proven the need and necessity to increase emergency medical helicopter assistance in the Highway 395/Highway 58 corridor in the High Desert of San Bernardino County, ICEMA approached California City Air Ambulance with a request for them to become qualified under ICEMA's pre-hospital requirements. After completion of a study, ICEMA proposed to the EMCC in January 2005, that California City Air Ambulance be permitted to operate within San Bernardino County's 20,000 square miles to improve response times in certain corridors. This proposal passed by EMCC 8-0, with one abstention.

California City Air Ambulance agreed to pursue the permitting process, and after an out-of-pocket expense of \$48,500, passed all qualifications and signed an agreement with ICEMA on June 8, 2005 to become permitted to operate in San Bernardino County.

On June 21, 2005, Item 130, "Agreement with California City Fire Department to Authorize and Classify Advanced Life Support Air Ambulance Service" was placed on the San Bernardino County Board of Supervisors' Consent Calendar for approval. The County Administrative Office, County Counsel and Department of Public Health supported this action. The First District Supervisor requested that Item 130 be continued until July 12, 2005.

On July 12, 2005 the item again appeared on the Consent Calendar, and this time the First District Supervisor pulled it off calendar without explanation. As of the date of this report, the Board of Supervisors' has never voted on this issue.

This Grand Jury was sworn in July 1, 2005, and in August began an investigation into the status of this matter. San Bernardino County is divided into 18 HDZ's (helicopter demand zones) in order to cover emergency medical evacuation needs. While San Bernardino County air space is non-exclusive, Mercy Air is the **only** permitted company, aside from the Sheriff's air rescue unit, operating within the County. Others, such as California City Air Ambulance, are not permitted and can only provide service within the County as a mutual aid provider. Being a "non-permitted" or mutual aid provider means:

1. On-board medical equipment may not meet ICEMA standards and medical personnel on board may not have the required qualifications.
2. Because of infrequency of use in most areas of San Bernardino County, pilots and crews of mutual aid providers are not always current on flight routes, facilities and other associated issues with regard to critical timing issues.
3. The only permitted carrier (Mercy Air) receives absolute priority over all mutual aid providers, **even though response times may not be superior.**

Air ambulance dispatches increased from 1,382 in 2002 to 1,819 in 2004, an increase of 32 percent. As populations increase, it is likely that trauma incidents requiring air ambulance rescue will also increase. Of necessity, resources providing this service must also increase.

After interviewing ICEMA personnel, as well as California City's Fire Chief, inquiry was made of each member of the Board of Supervisors as to the status of the ICEMA recommendation that was pulled from the Board's agenda. Of the five Supervisors, the Board Chairman took responsibility, advising that he was "... *not convinced that providing a permit to California City Air Ambulance was the right thing to do.*" He further stated "... *the Board has to concern itself with the financial security and stability of its current provider*". Mercy Air's business manager has also written several letters of objection to ICEMA, EMCC, and the Board of Supervisors.

Inasmuch as ICEMA's endorsement request had only recommended approval for California City Air Ambulance to be "third on the list" in only three of the 18 HDZ's, it was obvious that this, in itself, would not cause the insolvency of a major provider such as Mercy Air, whose parent company, Air Methods, reported second quarter 2005 results of a net income increase of 32 percent. The only "financial issue" the County Board of Supervisors should have concern for is that they can ill afford **not** to provide additional emergency aircraft resources. ICEMA should be allowed to function in its intended capacity. The Board of Supervisors should not discount ICEMA's expertise and allow Mercy Air's business manager to override the recommendation of its own designated authority.

Further investigation revealed that 9-1-1 and emergency transport calls are not the greatest monetary provider to the air ambulance industry. The bigger picture is in “after the fact inter-hospital transports.” In that regard, only those providers with a permit from ICEMA are allowed to provide such service. Therefore, Mercy Air is now the sole provider of inter-hospital service, and there is no restriction or cap on the amount that can be charged for this service. Indeed, if the Board of Supervisors desired to operate the County’s air ambulance service in the best financial interests of its citizens, they would consider the fact that California City Air Ambulance is a non-profit entity.

The tendency might be to divert criticism toward Mercy Air; however, mechanical failures do occur, and an extraordinary sequence of events will sometimes preclude availability of equipment. Under FAA regulations, helicopters must be periodically grounded for necessary inspections and, in the free-enterprise system, companies will work hard to gain a competitive advantage. However, no provider of services should ever be allowed to position itself to dictate to the County. It is not cost effective or efficient to allow a single-source provider. If *any* company doing business in San Bernardino County is financially unstable, it is not the responsibility of the County Supervisors to protect them. The Board of Supervisors must be in the business of protecting the health and welfare of its citizens.

A review of public records found that Mercy Air and its parent company, Air Methods, based in Colorado, have over a period of time, contributed thousands of dollars to the campaigns of several former and current members of the San Bernardino County Board of Supervisors. When genuine concern for the safety of constituents gives way to politics, the public suffers!

RECOMMENDATIONS

1. THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS, SITTING AS THE GOVERNING BOARD OF INLAND COUNTIES EMERGENCY MEDICAL AGENCY (ICEMA), SHOULD APPROVE THE PERMITTING OF CALIFORNIA CITY AIR AMBULANCE AS AN ADVANCED LIFE SUPPORT (ALS) PROVIDER WITHIN SAN BERNARDINO COUNTY, IN ORDER TO PROVIDE ITS CITIZENS WITH THE BEST OPPORTUNITY TO REACH A TRAUMA CENTER WITHIN THAT CRITICAL “GOLDEN HOUR.”
2. INLAND COUNTIES EMERGENCY MEDICAL AGENCY SHOULD REVISE THE HDZ (HELICOPTER DEMAND ZONE) PROVIDER LIST. QUICKEST RESPONSE TIMES SHOULD BE THE DETERMINING FACTOR IN DECIDING WHICH PERMITTED PROVIDER IS FIRST CALLED TO RESPOND TO THE NEED.

3. OTHER AIR AMBULANCE PROVIDERS WHO HAVE APPLIED AND BEEN DENIED IN THE PAST SHOULD BE RECONSIDERED. IF THEY COMPLY WITH ICEMA'S QUALIFICATION REQUIREMENTS, THEY SHOULD ALSO BE GIVEN AN OPPORTUNITY TO QUALIFY AS A PERMITTED AIR AMBULANCE PROVIDER.
4. THE COUNTY BOARD OF SUPERVISORS SHOULD NOT SERVE AS THE GOVERNING BOARD OF INLAND COUNTIES EMERGENCY MEDICAL AGENCY (ICEMA). IN ADDITION MEMBERS OF THE BOARD OF DIRECTORS OF ICEMA SHOULD NEVER BE IN A POSITION TO ACCEPT DONATIONS OR CAMPAIGN CONTRIBUTIONS FROM ANY PERMITTED PROVIDER OR ITS PARENT COMPANY.